

to be brought under either subsection (a), which disqualifies judges “in any proceeding in which [their] impartiality might reasonably be questioned[.]” or (b)(1), which disqualifies a judge who “has a personal bias or prejudice concerning a party.” *Id.*

There is no reasonable basis to question this judge’s impartiality in this case or to believe this judge has a personal bias or prejudice about Mr. Darries. Mr. Darries claims that this court said he “must be competent” and argues that this shows “this Judge was prejudiced towards Mr. Darries, the only interest that this Judge had was interet [sic] of The Law Firm.” (Docket Entry No. 52 at 2). But as Mr. Darries’s own exhibit shows, this court merely asked opposing counsel whether Mr. Darries had been found competent at the time of his plea. (Docket Entry No. 52-2). This is not evidence of prejudice. The decision to dismiss Mr. Darries’s case was based on the statute of limitations and was affirmed by the Fifth Circuit. (Docket Entry No. 51).

Finally, Mr. Darries has no pending case before this court. Mr. Darries’s claims were dismissed with prejudice, a decision that was affirmed on appeal. No relief is available to Mr. Darries for these claims. Because no grounds exist that require recusal, and this case is closed, the motion for recusal is denied.

SIGNED on September 25, 2023, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", written in a cursive style.

Lee H. Rosenthal
United States District Judge